MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2019/2020

UYL2612 –CYBERLAW

(All Sections / Groups)

5 MARCH 2020
Reading Time: 9.00 a.m.- 9.15 a.m.
(15 Minutes)
Answering Time: 9.15 a.m. -12.15 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 3 pages excluding the cover page with 5 Questions only.

3. Answer all questions in Part A and choose one question from Part B. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are allowed to bring into Examination Hall CLEAN and ORIGINAL copy of:
   i. Communications and Multimedia Act 1998
   ii Computer Crimes Act 1997
   iii Digital Signature Act 1997
   iv Trade Marks Act 1976
   v. Personal Data Protection Act 2010
   vi. Electronic Commerce Act 2006
   vii. Copyright Act 1987

   Students are not allowed to lend or borrow statute(s) during the Examination.

5. Please write all your answers in the Answer Booklet provided.

PART A

(ANSWER ALL QUESTIONS FROM PART A)

QUESTION 1

Explain the legal challenges that affect the rights of users in their use of information in Electronic Networked Communities. Is there any international initiative(s) available as to protect the use of information in the cyberspace?

(Total: 25 marks)

QUESTION 2

a) In line with the increasing overlap of Intellectual Property Rights with Information Technology, the scope of infringing acts has been substantially widened. This may also include the Internet Service Provider (ISP) liability.

Analyse the above statement with illustrations from relevant authorities.

(10 marks)

b) Maria intended to advertise her renowned 10-year old flower shop "Hana Flower" by registering a website under a domain name of www.hanaflo.com.

Out of curiosity, Maria recently googled herself by typing "Hana Flower" and another website popped out with the search result of www.hanaflos.com instead of her website. The said website belonged to Ian, Maria's competitor in the same industry. Ian started a business selling flower vase with the name "Ianizer Vase" and purposely registered the said domain name to attract customers to his website.

Analyse possible action(s) that can be taken by Maria.

(15 marks)

(Total: 25 marks)

Continued...

QUESTION 3

"The term "jurisdiction" has various definitions in law, but for our purposes here we can say it is the power of some legal body to exercise its authority over a person or subject matter or territory. In the Internet today, it is territory that gives rise to many major issues. As in real estate, what matters in jurisdiction is location, location, location."

-David Maher

a) Evaluate the above statement by referring to relevant laws in Malaysia.

(15 marks)

b) Is there any international initiative(s) available to deal with jurisdictional issues in cyberspace?

(10 marks)

(Total: 25 marks)

PART B

(CHOOSE ONE (1) QUESTION)

QUESTION 4

a. Harry and Ginny were in a relationship for many years while in Hogwarts University. Their relationship ended recently as they were not happy and had a lot of misunderstandings. Several weeks ago, Harry received an e-mail from Ginny. The contents of the e-mail expressed Ginny's anger and frustrations about Harry. It contained a lot of obscenity and blaming Harry for wasting Ginny's time. She also explained that he was a dishonest and morally corrupt person who had, among others, cheated in University final examinations multiple times. Harry ignored the e-mail. Soon after, Harry's friends and family members started receiving similar e-mails from Ginny explaining that Harry was a dishonest and morally corrupt person. The e-mails they received contained details about him cheating in examinations, drug abuse, stealing money, sexual assault and battery. Moreover, Ginny spread these on her Facebook, Twitter and wrote an elaborate essay on her blog "The Quidditch Queen Gossips" about Harry and all his alleged wrong doings. Harry's friends and family members are concerned regarding the current situation.

   Advise Harry with regards to possible actions against Ginny under the Communication and Multimedia Act 1998.

   (15 marks)

b. Provide a brief case study of the following cases:

   i. R v Hicklin [1868] L.R.3 Q.B. 360 **(5 marks)**
   ii. Miller v California, 413 U.S. 15 (1973) **(5 marks)**

[Total: 25 marks]

Continued...

QUESTION 5

a. Explain the relationship between data processor, data subject and data user under Personal Data Protection Act 2010.

(5 marks)

b. Discuss the seven data protection principles laid down in the Personal Data Protection Act 2010. Your answers must be supported by relevant statutory provisions and case law.

(20 marks)

[Total: 25 marks]

End of Page.